

District II Advisory Board Minutes
July 7, 2003
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The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library at 5939 E. 9th Street North.

Members Present

Martha Bruce Fair
Ray Frederick
Larry Frutiger
Tim Goodpasture
Matt Hesse
Joe Johnson
David Mollhagen
Phil Ryan
Jim Vossen
Marty Weeks

Members Absent

Sarah Devries

Staff Present

Jack Brown, Environmental Health
Donte Martin, City Manager's Office

Guests

Julie Breault
Chris Brunner
Terri Clark
Daryl Crotts
Amanda Eden
Chris Eden
Charlotte Foster
Jim Halsig
Tammy Hammond
Tom Hammond
Angela Ray
Beverly Sandberg
Willard Sandberg
Sally Scott
Garland Shuff
Sarah Steele
Denise Townsley

ORDER OF BUSINESS

Call to Order

The meeting was called to order at 7:00.

Approval of Minutes and Agenda

The agenda for the July 7, 2003 DAB II meeting was approved as submitted (Bruce Fair/Frutiger).

Public Agenda

1. Scheduled items

No items submitted

2. Off-agenda items

No items submitted

STAFF PRESENTATIONS

3. Modifications to Animal Control Code - Tethering

Jack Brown, Environmental Health, presented Chapter 6.04 of the City Code, which deals with control and treatment of animals to promote public safety, and humane treatment of animals. The Environmental Health Department's Animal Control section receives numerous complaints concerning dogs being tethered continuously on heavy chains, or in situations that present a threat to the animal's well being. Local and national pet behavior experts agree that tethering dogs for extended periods of time contributes to aggressive behavior and the propensity for the animal to bite, and constitutes inhumane treatment. The Humane Society of the United States, Kansas Humane Society, and the United States Department of Agriculture oppose continuous tethering of dogs. The experience of City Animal Control staff supports the assertion that such treatment breeds aggression and is inhumane.

Brown reviewed the issue, saying that the proposal is aimed at public safety and health/welfare of animals. Brown explained the proposed amendment would make it illegal to do the following:

- Continuously tether a dog for more than one hour
- Use a chain that weighs more than 1/8 of the dog's total body weight
- Use a chain that is too short to allow freedom of movement
- Chain a dog in a manner that would cause injury or strangulation
- Attach a chain, rope, or other implement directly to the dog's neck without the proper use of a collar or harness

Brown noted that City regulations currently allow tethering or "picketing" of animals as a means of confinement. At the time these regulations were written, the effects of such treatment in developing aggression in dogs was not well known. Tethering a dog is often a method involved in training a dog to fight. In addition, he said the tethering leaves the dog exposed to weather elements and may restrict their access to food and water. He stated that 60-70% of the animal cruelty calls were tethered dogs.

The District Advisory Board expressed issues with privacy rights being violated due to inspections; the need for clarification of enforcement procedures including the role of municipal court; the one-hour time period may be too short; subjectivity of enforcement by inspectors may result in unequal enforcement; and, the potential need for alternative restraint restrictions. The vast majority of all citizens in attendance supported amending the ordinance but a few citizens expressed concern with the one-hour time limit.

Joe Johnson (Frutiger) moved to defer the tethering item until August 4th to obtain more information concerning enforcement procedures, alternative restraint restrictions, and the rationale for limiting tethering to one hour. The motion passed (10-0).

Action Taken: DAB II deferred the tethering item until August 4th.

4. Modifications to Animal Control Code - Inherently Dangerous Dog Breeds

Jack Brown, Environmental Health, stated that the Department of Environmental Health has received requests from citizens and Council members requesting more stringent controls on inherently dangerous dog breeds, specifically pit bulls, rottweilers, and mixes of those breeds. Current City codes do not place conditions on specific breeds of dog based on their ability to cause severe injury, but address only animals that have individually been declared dangerous by the health officer.

The proposed code changes would require that pit bulls, rottweilers, and mixes of those breeds be maintained in the same manner as dogs that have been declared dangerous. These standards include housing within a secure enclosure, posting of warning signs, and require muzzles on animals during transportation outside their secure enclosures. The proposed code would also require that the breeds specified be registered with the Environmental Health Department, have microchips implanted to facilitate identification, and that owners maintain liability insurance in the amount of \$200,000.

The District Advisory Board expressed issues with certain breeds being identified as inherently dangerous. The Board suggested that individual dogs that exhibit violent behavior be subject to a hearing process to determine if the dog is dangerous. Citizens expressed concerns that the breeds cannot be classified as inherently dangerous; potentially dangerous dogs should be identified on a case-by-case basis; and, the proposed ordinance may violate a citizen's due rights process.

Matt Hesse (Mollhagen) moved the DAB recommended adopting the proposed changes to the City Code pertaining to inherently dangerous dogs excepting a deletion of section (e) in the proposed ordinance. The motion passed (10-0).

Action Taken: DAB II recommended adopting the proposed changes to the City Code pertaining to inherently dangerous dogs excepting a deletion of section (e) in the proposed ordinance.

BOARD AGENDA

5. First Chair Pro Tem Selection

Cm Schlapp appointed Joe Johnson First Chair Pro Tem

6. Updates, Issues, and Reports

No items were discussed.

The next regularly scheduled DAB II meeting will be August 4, 2003 at the Rockwell Branch Library.

With no further business the meeting adjourned at 9:00 p.m.